

## **REMARKS/ARGUMENTS**

This is meant to be a complete response to the Office Action mailed July 28, 2004. In the Office Action, the Examiner rejected Applicant's claims 1-16 and 24-35 under 35 U.S.C. 103(a) as being obvious over Weder (US 5,111,613) in view of the English abstract of Japanese Patent No. 74029902. The Examiner also rejected Applicant's claims 17-23 under 35 U.S.C. 103(a) as being unpatentable over Weder ('613) in view of Rohn (US 4,201,818).

### **Applicant's Response to the 35 U.S.C. 103(a) Rejection of Claims 1-16 & 24-35**

In the Office Action, the Examiner rejected Applicant's claims 1-16 and 24-35 under 35 U.S.C. 103(a) as being unpatentable over Weder (US 5,111,613) in view of the English abstract of the Japanese Patent (74029902). Applicant respectfully traverses the rejection for the reasons stated herein below.

The presently claimed invention recites methods for providing a decorative preformed flower pot cover having a texture or appearance simulating the texture or appearance of paper.

Weder et al. (US 5,111,613) discloses a preformed flower pot or flower pot cover. Weder et al. do not teach, disclose or even suggest providing a sheet of material utilized to provide a decorative preformed flower pot cover with a texture or appearance simulating the texture or appearance of paper.

The Examiner has recognized the deficiencies of the Weder et al. reference and has attempted to supply such deficiencies with the teachings of the English abstract of the Japanese Patent (74029902).

The English abstract of the Japanese Patent discloses a paper-like sheet with a colored pattern formed by embossing a molten thermoplastic polymer. However, the English abstract does not disclose, teach or even suggest any uses for the paper-like sheet taught therein. Therefore, there is no suggestion or motivation in either the Weder et al. patent or the English abstract of the Japanese Patent to combine the teachings of such references to arrive at a preformed flower pot cover as taught by Weder et al. formed of the paper-like sheet of the English abstract of the Japanese Patent. In addition, the Japanese Patent does not teach, disclose or even suggest providing the sheet taught therein with additional patterns, such as printed and/or embossed patterns, in addition to a texture or appearance simulating the texture or appearance of paper, as recited in claims 5-7, 9-11 and 31-35 of the subject application.

Attached hereto as Exhibit A is a copy of a translation of the complete Japanese Patent No. SHO 49[1974]-29902. The translation discloses a **paper-shaped or sheet-shaped structural object** having a colored pattern without requiring a printing step. Such sheet-shaped structural object is a laminate of two mesh-shaped sheet-like objects having numerous non-continuous cracks along one direction thereof, wherein the two objects are overlapped and aligned with respect to the direction of the cracks. This provides a sheet having a

certain strength in both the longitudinal and lateral directions. During the process of laminating the two sheet-like objects, the color of the inner layer floats up to the surface and provides the colored pattern without a printing step. The Example of the patent discloses a paper-shaped structural object that has a brown color for the protrusions of the surface pattern and wood-like black color for the recessions.

However, the entire Japanese Patent does not disclose, teach or even suggest any uses for the paper-shaped object taught therein. Therefore, there is no suggestion or motivation in either the Weder et al. patent or the Japanese Patent to combine the teachings of such references to arrive at a preformed flower pot cover as taught by Weder et al. formed of the paper-shaped object of the Japanese Patent. In addition, the Japanese Patent actually teaches against providing a printed pattern to the object taught therein, and therefore cannot be combined with any references to arrive at the invention recited in claims 5-7, 9-11 and 31-35 of the subject application.

Therefore, Applicant respectfully submits that the present invention, as recited in Applicant's claims 1-16 and 24-35, as now amended, is non-obvious over the combination of Weder et al. and the Japanese Patent (SHO 49[1974]-29902). Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection of claims 1-16 and 24-35 as now pending.

### Applicant's Response to the 35 U.S.C. 103(a) Rejection of Claims 17-23

In the Office Action, the Examiner rejected Applicant's claims 17-23 under 35 U.S.C. 103(a) as being unpatentable over Weder ('613) in view of Rohn (US 4,201,818). Applicant respectfully traverses the rejection for the reasons stated hereinbelow.

The presently claimed invention recites methods for providing a decorative preformed flower pot cover having a texture or appearance simulating the texture or appearance of paper, wherein the decorative preformed flower pot cover is formed from an expanded core polymeric film having a texture or appearance simulating the texture or appearance of paper on at least a portion of at least one surface thereof.

Weder et al. (US 5,111,613) discloses a preformed flower pot or flower pot cover. Weder et al. do not teach, disclose or even suggest providing a sheet of material utilized to provide a decorative preformed flower pot cover with a texture or appearance simulating the texture or appearance of paper. Weder et al. also do not teach, disclose or even suggest the use of an expanded core polymeric film to produce the preformed flower pot or flower pot cover taught therein.

The Examiner has recognized the deficiencies of the Weder et al. reference and has attempted to supply such deficiencies with the teachings of Rohn. Rohn relates to a flexible and foldable foam plastic sheet and a process for making same. The process involves initially **compressing** the foam sheet

to reduce the sheet in thickness and reduce or destroy the resilience of the foam. The foam sheet is provided with increased mechanical properties (including tensile strength, modulus, break strength and percent elongation) which allow the sheet to be used as a **replacement** for paper in many applications. Examples of paper-like characteristics of the foam sheet include the ability to be written upon with ink or pencil or typed on or imprinted with a stamp or printing press, as well as the ability to be dead-foldable. However, the paper-like appearance characteristics of the foamed plastic sheet of Rohn are concerned with the ability of the sheet to be printed or typed upon and are not related to the actual physical appearance of paper, that is, making the plastic sheet simulate the texture or appearance of paper. The plastic sheet of Rohn does not **resemble** paper; it simply mimics the characteristics of paper, which include folding and printable characteristics.

Attached as Exhibits B-E are samples of polymeric materials from which the decorative preformed flower pot cover recited in the claims of the subject application can be formed. Exhibits B-D are materials having a texture or appearance simulating the texture or appearance of paper. Exhibit E is a material having a printed pattern in addition to the texture or appearance simulating the texture or appearance of paper wherein the printed pattern enhances the aesthetic characteristics of the material. Such materials have an appearance simulating the appearance or texture of paper, that is, the materials **look** like paper. However, this is quite different from a material

which **behaves** like paper. The material from which the decorative preformed flower pot cover, as recited in the claims, is formed behaves like a polymeric material rather than like paper. The sheet of flexible material from which the decorative preformed flower pot cover is formed, as recited in the claims of the subject application, maintains the mechanical and structural characteristics of the polymer from which it is constructed but has **one surface** thereof modified, such as by printing or embossing, to provide an appearance or texture which simulates the appearance or texture of paper so that such surface of the material **looks** like paper.

The purpose of providing the appearance or texture simulating the appearance or texture of paper to the decorative preformed flower pot cover recited in the claims of the subject application is to provide a **decorative appearance** to the decorative preformed flower pot cover. Such a decorative appearance can be provided by modifications such as printing or embossing. Alternatively, Rohn describes the purpose of the process of forming the flexible foldable foam plastic sheet disclosed therein as being threefold:

- "(1) to compress the cell structure of the foam;
  - (2) to partially destroy the resilience and surface character of the foam; and
  - (3) to provide means whereby the compressed gaseous matter trapped within the foam structure can escape (e.g., by virtue of the channels formed by the screen-like structure penetrating the surface of said foam sheet)."
- Column 1, lines 57-64

The appearance or texture simulating the appearance or texture of paper recited in the claims of the subject application is only concerned with modifying

a visible surface of the decorative preformed flower pot cover. The paper-like characteristics disclosed by Rohn are concerned with compressing and partially destroying the cell structure of the foam plastic. Therefore, Applicant respectfully submits that the appearance or texture simulating the appearance or texture of paper as recited in the claims of the subject application is not the same as, nor obvious over, the paper-like characteristics of the foam plastic of Rohn.

In addition, Rohn does not teach, disclose or even suggest providing embossing and/or printing to the material, further demonstrating that the modifications to the material of Rohn provides functional characteristics **only** and do not provide such material with decorative characteristics which lend a decorative appearance to an article formed therefrom.

Further, since the sheet of Rohn is used to as a paper substitute for writing upon with ink or pencil, or typing on, or imprinting with a stamp or printing press, there is no suggestion or motivation to utilize the paper substitute taught by Rohn for forming a preformed flower pot cover, and a person having ordinary skill in the art would not find motivation or suggestion to form a preformed flower pot cover, as taught by Weder et al. ('613) from the paper substitute sheet of Rohn.

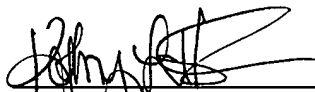
Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection of pending claims 17-23 as now amended as being obvious over the combination of Weder in view of Rohn.

## CONCLUSION

This is meant to be a complete response to the Office Action mailed July 28, 2004. Applicant respectfully submits that each and every rejection of the claims has been overcome. Further, Applicant respectfully submits that claims 1-35, as now pending, are in a condition for allowance. Favorable action is respectfully solicited.

Should the Examiner have any questions regarding this amendment or the remarks contained therein, Applicant's representative would welcome the opportunity to discuss the same with the Examiner.

Respectfully submitted,



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